

PROOF

STATE OF IOWA

Senate Journal

WEDNESDAY, MARCH 14, 2018

Printed daily by the State of Iowa during the sessions of the General Assembly. An official corrected copy is available for reference in the Secretary of the Senate's Office. (The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE SENATE

SIXTY-SIXTH CALENDAR DAY
THIRTY-NINTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, March 14, 2018

The Senate met in regular session at 9:05 a.m., President Whitver presiding.

Prayer was offered by Pastor Dave Wood of the Walnut Park Baptist Church in Muscatine, Iowa. He was the guest of Senator Lofgren.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Tade McCormick, guest of Senator Breitbach.

The Journal of Tuesday, March 13, 2018, was approved.

RECESS

On motion of Senator Schneider, the Senate recessed at 9:08 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 9:11 a.m., President Whitver presiding.

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: [SENATE RESOLUTION 109](#), a resolution for honoring the Iowa Resource for International Service.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Whitver, Petersen, Behn, Dvorsky, Feenstra, Jochum, Ragan, Schneider, Sinclair, and Smith. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Schneider asked and received unanimous consent to take up for consideration [Senate Resolution 109](#).

[Senate Resolution 109](#)

On motion of Senator Schneider, [Senate Resolution 109](#), a resolution for honoring the Iowa Resource for International Service, with report of committee recommending passage, was taken up for consideration.

Senator Schneider moved the adoption of [Senate Resolution 109](#), which motion prevailed by a voice vote.

SPECIAL GUESTS

Senator D. Johnson introduced to the Senate chamber, members of the St. Pat's Association in Emmetsburg, Iowa; Jenna Joyce, Billie Jo Joyce, Kylie Hoffman, and Carson Hoffman. They were accompanied by Fianna Fail Senator Gerry Horkan from Dublin, Ireland.

Senator Horkan addressed the senate with brief remarks.

The Senate rose and expressed its welcome.

RECESS

On motion of Senator Schneider, the Senate recessed at 9:37 a.m. until 4:00 p.m.

APPENDIX—1

COMMUNICATIONS RECEIVED

The following communications were received in the office of the Secretary of the Senate and placed on file in the Legislative Services Agency:

DEPARTMENT OF HUMAN SERVICES

Mental Health and Disabilities Services Annual Report, pursuant to Iowa Code section 225C.6. Report received on March 14, 2018.

Mental Health Services Annual Report, pursuant to Iowa Code section 249N.8. Report received on March 14, 2018.

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Joanie and Bob Bowman, Maquoketa—For celebrating their 40th wedding anniversary. Senator Bowman.

Western Dubuque-Cascade Women's Basketball Team—For winning the Iowa State Basketball Championship. Senator Bowman.

REPORTS OF COMMITTEE MEETINGS

EDUCATION

Convened: Wednesday, March 14, 2018, 1:00 p.m.

Members Present: Sinclair, Chair; Edler, Vice Chair; Quirnbach, Ranking Member; Behn, Bowman, Chelgren, Danielson, Dvorsky, Greene, Hart, Hogg, C. Johnson, Kraayenbrink, Lofgren, and Rozenboom.

Members Absent: None.

Committee Business: Passed HF's 2280, 2390, 2420, 2441, 2442, and 2467.

Adjourned: 1:50 p.m.

JUDICIARY

Convened: Wednesday, March 14, 2018, 11:05 a.m.

Members Present: Zaun, Chair; Dawson, Vice Chair; Taylor, Ranking Member; Bisignano, Boulton, Edler, Garrett, Kinney, Petersen, Schneider, Schultz, Shipley, and Sinclair.

Members Absent: None.

Committee Business: Organizational meeting.

Adjourned: 11:35 a.m.

RULES AND ADMINISTRATION

Convened: Wednesday, March 14, 2018, 9:05 a.m.

Members Present: Whitver, Vice Chair; Petersen, Ranking Member; Behn, Dvorsky, Feenstra, Jochum, Ragan, Schneider, Sinclair, and Smith.

Members Absent: None.

Committee Business: Passed [SR 109](#).

Adjourned: 9:10 a.m.

STATE GOVERNMENT

Convened: Wednesday, March 14, 2018, 2:10 p.m.

Members Present: Smith, Chair; Chapman, Vice Chair; Bisignano, Ranking Member; Bowman, Brown, Carlin, Danielson, Dawson, Dvorsky, Horn, Jochum, Schneider, Schultz, and Zaun.

Members Absent: Feenstra (excused).

Committee Business: Discussed [HJR 12](#) and HFs 2200 and 2425.

Adjourned: 2:40 p.m.

VETERANS AFFAIRS

Convened: Wednesday, March 14, 2018, 10:35 a.m.

Members Present: Costello, Chair; Rozenboom, Vice Chair; Horn, Ranking Member; Allen, Bowman, Dawson, Edler, and Ragan.

Members Absent: Bertrand, Lofgren, and Segebart (all excused).

Committee Business: Discussed [HF 2355](#).

Adjourned: 10:45 a.m.

FINAL COMMITTEE REPORTS OF BILL ACTION

EDUCATION

Bill Title: [HOUSE FILE 2280](#), a bill for an act relating to subject and performance-based assessments administered prior to a student's completion of a practitioner preparation program, and including effective date and retroactive applicability provisions.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Sinclair, Edler, Behn, Chelgren, Greene, C. Johnson, Kraayenbrink, Lofgren, and Rozenboom. Nays, 6: Quirmbach, Bowman, Danielson, Dvorsky, Hart, and Hogg. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [HOUSE FILE 2390](#), a bill for an act relating to terminology changes in education-related Iowa Code references to foreign languages.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Sinclair, Edler, Quirmbach, Behn, Bowman, Chelgren, Danielson, Dvorsky, Greene, Hart, Hogg, C. Johnson, Kraayenbrink, Lofgren, and Rozenboom. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [HOUSE FILE 2420](#), a bill for an act establishing an Iowa national service corps program administered by the Iowa commission on volunteer service.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Sinclair, Edler, Quirmbach, Behn, Bowman, Chelgren, Danielson, Dvorsky, Greene, Hart, Hogg, C. Johnson, Kraayenbrink, Lofgren, and Rozenboom. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [HOUSE FILE 2441](#), a bill for an act relating to school district funding and the authorized purposes for the expenditure of school district funding, and including effective date and applicability provisions.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Sinclair, Edler, Quirmbach, Behn, Bowman, Chelgren, Danielson, Dvorsky, Greene, Hart, Hogg, C. Johnson, Kraayenbrink, Lofgren, and Rozenboom. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JUDICIARY

Bill Title: [HOUSE FILE 2338](#), a bill for an act relating to temporary restricted licenses for operating-while-intoxicated offenders, providing penalties, and including applicability provisions.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT [S-5158](#).

Final Vote: Ayes, 13: Zaun, Dawson, Taylor, Bisignano, Boulton, Edler, Garrett, Kinney, Petersen, Schneider, Schultz, Shipley, and Sinclair. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [HOUSE FILE 2397](#), a bill for an act relating to the admissibility of evidence of an employee's criminal history in civil actions.

Recommendation: DO PASS.

Final Vote: Ayes, 7: Zaun, Dawson, Edler, Schneider, Schultz, Shipley, and Sinclair. Nays, 6: Taylor, Bisignano, Boulton, Garrett, Kinney, and Petersen. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [HOUSE FILE 2404](#), a bill for an act relating to restitution paid to the estate or heirs at law of a crime victim.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Zaun, Dawson, Taylor, Bisignano, Boulton, Edler, Garrett, Kinney, Petersen, Schneider, Schultz, Shipley, and Sinclair. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

LOCAL GOVERNMENT

Bill Title: [HOUSE FILE 2258](#), a bill for an act relating to the uses of remitted sales tax revenue and moneys from the flood mitigation fund under the flood mitigation program and including applicability provisions.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT [S-5155](#).

Final Vote: Ayes, 11: Garrett, Lofgren, Hogg, Allen, Chelgren, Greene, Guth, Kraayenbrink, McCoy, Quirmbach, and Segebart. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

VETERANS AFFAIRS

Bill Title: [HOUSE FILE 2355](#), a bill for an act establishing a veterans recovery pilot program and fund for the reimbursement of expenses related to providing hyperbaric oxygen treatment to eligible veterans.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Costello, Rozenboom, Horn, Allen, Bowman, Dawson, Edler, and Ragan. Nays, none. Absent, 3: Bertrand, Lofgren, and Segebart.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

RECONVENED

The Senate reconvened at 4:20 p.m., President Pro Tempore Behn presiding.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 14, 2018, **passed** the following bills in which the concurrence of the House was asked:

[Senate File 2289](#), a bill for an act relating to the joint exercise of government powers by federally recognized Indian tribes.

[Senate File 2325](#), a bill for an act relating to the notation of discharges of motor vehicle security interests.

ALSO: That the House has on March 14, 2018, **amended and passed** the following bills in which the concurrence of the Senate is asked:

[Senate File 220](#), a bill for an act regulating the use of automated traffic law enforcement systems, and providing a penalty. ([S-5157](#))

The Senate stood at ease at 4:21 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 4:40 p.m., President Pro Tempore Behn presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Bertrand, until he returns, on request of Senator Whitver.

CONFIRMATION OF GOVERNOR'S APPOINTMENT (Individual Confirmation Calendar)

Senator Whitver called up the appointment of Larry Johnson as the State Public Defender, placed on the Individual Confirmation Calendar on February 21, 2018, found on page 424 of the Senate Journal.

Senator Schneider moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 46:

Allen	Danielson	Johnson, C.	Rozenboom
Behn	Dawson	Johnson, D.	Schneider
Bisignano	Dotzler	Kapucian	Schultz
Bolkcom	Edler	Kinney	Segebart
Boulton	Feenstra	Kraayenbrink	Shipley
Bowman	Garrett	Lofgren	Sinclair
Breitbach	Greene	Lykam	Smith
Brown	Guth	Mathis	Whitver
Carlin	Hart	McCoy	Zaun
Chapman	Hogg	Petersen	Zumbach
Chelgren	Horn	Quirmbach	
Costello	Jochum	Ragan	

Nays, 2:

Dvorsky	Taylor
---------	--------

Absent, 1:

Bertrand

Vacant, 1.

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Whitver asked and received unanimous consent to take up for consideration Senate Files 2162, 2166, and 2240.

[Senate File 2162](#)

On motion of Senator Zumbach, [Senate File 2162](#), a bill for an act relating to texting or using a mobile telephone while operating a commercial motor vehicle, providing penalties, and making penalties applicable, was taken up for consideration.

Senator Zumbach asked and received unanimous consent that [House File 2196](#) be **substituted** for [Senate File 2162](#).

[House File 2196](#)

On motion of Senator Zumbach, [House File 2196](#), a bill for an act relating to texting or using a mobile telephone while operating a commercial motor vehicle, providing penalties, and making penalties applicable, was taken up for consideration.

Senator Zumbach moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” ([H.F. 2196](#)), the vote was:

Yeas, 48:

Allen	Danielson	Jochum	Ragan
Behn	Dawson	Johnson, C.	Rozenboom
Bisignano	Dotzler	Johnson, D.	Schneider
Bolkcom	Dvorsky	Kapucian	Schultz
Boulton	Edler	Kinney	Segebart
Bowman	Feenstra	Kraayenbrink	Shipley
Breitbach	Garrett	Lofgren	Sinclair
Brown	Greene	Lykam	Smith
Carlin	Guth	Mathis	Taylor
Chapman	Hart	McCoy	Whitver
Chelgren	Hogg	Petersen	Zaun
Costello	Horn	Quirmbach	Zumbach

Nays, none.

Absent, 1:

Bertrand

Vacant, 1.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

WITHDRAWN

Senator Zumbach asked and received unanimous consent that [Senate File 2162](#) be **withdrawn** from further consideration of the Senate.

[Senate File 2166](#)

On motion of Senator Dawson, [Senate File 2166](#), a bill for an act relating to redemption by certain persons of parcels sold at tax sale, was taken up for consideration.

Senator Zaun asked and received unanimous consent that action on [Senate File 2166](#) be **deferred**.

[Senate File 2240](#)

On motion of Senator Shipley, [Senate File 2240](#), a bill for an act relating to the receipt of pecuniary damages by insurers as victims of insurance fraud for purposes of criminal restitution, was taken up for consideration.

Senator Shipley asked and received unanimous consent that [House File 2238](#) be **substituted** for [Senate File 2240](#).

[House File 2238](#)

On motion of Senator Shipley, [House File 2238](#), a bill for an act relating to the receipt of pecuniary damages by insurers as victims of insurance fraud for purposes of criminal restitution, was taken up for consideration.

Senator Shipley moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” ([H.F. 2238](#)), the vote was:

Yeas, 48:

Allen	Danielson	Jochum	Ragan
Behn	Dawson	Johnson, C.	Rozenboom
Bisignano	Dotzler	Johnson, D.	Schneider
Bolkcom	Dvorsky	Kapucian	Schultz
Boulton	Edler	Kinney	Segebart
Bowman	Feenstra	Kraayenbrink	Shipley
Breitbach	Garrett	Lofgren	Sinclair
Brown	Greene	Lykam	Smith
Carlin	Guth	Mathis	Taylor
Chapman	Hart	McCoy	Whitver
Chelgren	Hogg	Petersen	Zaun
Costello	Horn	Quirmbach	Zumbach

Nays, none.

Absent, 1:

Bertrand

Vacant, 1.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

WITHDRAWN

Senator Shipley asked and received unanimous consent that [Senate File 2240](#) be **withdrawn** from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Whitver asked and received unanimous consent that **House Files 2196** and **2238** be **immediately messaged** to the House.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Whitver asked and received unanimous consent to take up for consideration Senate Files 2285, 2328, and 2348.

[Senate File 2285](#)

On motion of Senator Edler, [Senate File 2285](#), a bill for an act relating to probate by the distribution of decedent's property by affidavit, requiring certain affirmations in the affidavit, and including an applicability provision, was taken up for consideration.

Senator Zaun asked and received unanimous consent that action on [Senate File 2285](#) be **deferred**.

[Senate File 2328](#)

On motion of Senator C. Johnson, [Senate File 2328](#), a bill for an act relating to the sale or acquisition of certain utilities, was taken up for consideration.

Senator C. Johnson asked and received unanimous consent that [House File 2307](#) be **substituted** for [Senate File 2328](#).

[House File 2307](#)

On motion of Senator C. Johnson, [House File 2307](#), a bill for an act relating to the sale or acquisition of certain utilities, was taken up for consideration.

Senator C. Johnson moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([H.F. 2307](#)), the vote was:

Yeas, 48:

Allen	Danielson	Jochum	Ragan
Behn	Dawson	Johnson, C.	Rozenboom
Bisignano	Dotzler	Johnson, D.	Schneider
Bolkcom	Dvorsky	Kapucian	Schultz

Boulton	Edler	Kinney	Segebart
Bowman	Feenstra	Kraayenbrink	Shipley
Breitbach	Garrett	Lofgren	Sinclair
Brown	Greene	Lykam	Smith
Carlin	Guth	Mathis	Taylor
Chapman	Hart	McCoy	Whitver
Chelgren	Hogg	Petersen	Zaun
Costello	Horn	Quirmbach	Zumbach

Nays, none.

Absent, 1:

Bertrand

Vacant, 1.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

WITHDRAWN

Senator C. Johnson asked and received unanimous consent that [Senate File 2328](#) be **withdrawn** from further consideration of the Senate.

[Senate File 2336](#)

On motion of Senator Shipley, [Senate File 2336](#), a bill for an act relating to nonsubstantive Code corrections, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Shipley offered amendment [S-5013](#), filed by the committee on Judiciary on February 19, 2018, to pages 39 and 63–66 of the bill, and moved its adoption.

Amendment [S-5013](#) was adopted by a voice vote.

Senator Shipley asked and received unanimous consent that [House File 2348](#) be **substituted** for [Senate File 2336](#).

[House File 2348](#)

On motion of Senator Shipley, [House File 2348](#), a bill for an act relating to nonsubstantive Code corrections, was taken up for consideration.

Senator Shipley moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” ([H.F. 2348](#)), the vote was:

Yeas, 48:

Allen	Danielson	Jochum	Ragan
Behn	Dawson	Johnson, C.	Rozenboom
Bisignano	Dotzler	Johnson, D.	Schneider
Bolkcom	Dvorsky	Kapucian	Schultz
Boulton	Edler	Kinney	Segebart
Bowman	Feenstra	Kraayenbrink	Shipley
Breitbach	Garrett	Lofgren	Sinclair
Brown	Greene	Lykam	Smith
Carlin	Guth	Mathis	Taylor
Chapman	Hart	McCoy	Whitver
Chelgren	Hogg	Petersen	Zaun
Costello	Horn	Quirmbach	Zumbach

Nays, none.

Absent, 1:

Bertrand

Vacant, 1.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

WITHDRAWN

Senator Shipley asked and received unanimous consent that [Senate File 2336](#) be **withdrawn** from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Whitver asked and received unanimous consent that **House Files 2307** and **2348** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Whitver, the Senate adjourned at 5:09 p.m. until 9:00 a.m., Thursday, March 15, 2018.

APPENDIX—2

SUBCOMMITTEE ASSIGNMENT

[House Joint Resolution 12](#)

STATE GOVERNMENT: Schultz, Chair; Bisignano, Bowman, Brown, Carlin, Chapman, Danielson, Dawson, Dvorsky, Feenstra, Horn, Jochum, Schneider, Smith, and Zaun

FINAL COMMITTEE REPORTS OF BILL ACTION

EDUCATION

Bill Title: [HOUSE FILE 2442](#), a bill for an act providing for brain injury policies for certain extracurricular interscholastic activities, and including applicability provisions.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Sinclair, Edler, Quirmbach, Behn, Bowman, Chelgren, Danielson, Dvorsky, Greene, Hart, Hogg, C. Johnson, Kraayenbrink, Lofgren, and Rozenboom. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [HOUSE FILE 2467](#), a bill for an act relating to school meal debt and to school meal programs offered by school districts and accredited nonpublic schools, authorizing the establishment of unpaid student meals accounts, and authorizing the transfer and expenditure of certain funds.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Sinclair, Quirmbach, Behn, Bowman, Chelgren, Danielson, Dvorsky, Greene, Hart, Hogg, C. Johnson, Kraayenbrink, Lofgren, and Rozenboom. Nays, 1: Edler. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Bill Title: [HOUSE JOINT RESOLUTION 12](#), a joint resolution calling for an Article V convention in order to propose amendments to the Constitution of the United States that impose fiscal restraints, and limit the power and jurisdiction of the federal government, and requesting Congress to similarly propose such amendments.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Smith, Chapman, Bisignano, Bowman, Brown, Carlin, Danielson, Dawson, Horn, Schneider, Schultz, and Zaun. Nays, 2: Dvorsky and Jochum. Absent, 1: Feenstra.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [HOUSE FILE 2200](#), a bill for an act authorizing the Terrace Hill commission to establish an endowment fund for musical arts to support piano competitions and scholarships.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Smith, Chapman, Brown, Carlin, Dawson, Schneider, Schultz, and Zaun. Nays, 6: Bisignano, Bowman, Danielson, Dvorsky, Horn, and Jochum. Absent, 1: Feenstra.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [HOUSE FILE 2425](#), a bill for an act establishing a physical therapy licensure compact.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Smith, Chapman, Bisignano, Bowman, Brown, Carlin, Danielson, Dawson, Dvorsky, Horn, Jochum, Schneider, Schultz, and Zaun. Nays, None. Absent, 1: Feenstra.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S-5155	H.F. 2258	Local Government
S-5156	H.F. 2407	Tim L. Kapucian
S-5157	S.F. 220	House
S-5158	H.F. 2338	Judiciary
S-5159	S.F. 2177	Brad Zaun